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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,181	03/29/2004	Scott A. Corbin	BSS0018	3345
832	7590	08/19/2008	EXAMINER	
BAKER & DANIELS LLP 111 E. WAYNE STREET SUITE 800 FORT WAYNE, IN 46802				MARANDI, JAMES R
ART UNIT		PAPER NUMBER		
2623				
			MAIL DATE	DELIVERY MODE
			08/19/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/812,181	CORBIN, SCOTT A.	
	Examiner	Art Unit	
	JAMES R. MARANDI	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 29 March 2004.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-26 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-26 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 29 March 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date 3/29/2004.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application
 6) Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following minor informalities:

- Paragraph [26], 2nd line, word “**insertion**” should be replaced with extraction, as element 36 is Data Extraction section.
- The title of the invention “Upstream Data Bypass Device for a Video System” is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. Examiner suggests “Upstream Data Transmission Device in Two-Way Cable TV networks”.
- The abstract contains 222 words. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. See MPEP § 608.01(b).

An appropriate correction is required.

Note to Applicant

The terminal disclaimer filed on 7/8/2008 disclaiming the terminal portion of any patent granted on co-pending application 10/812,241 and this application has been received in co-pending application 10/812,241.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Independent claims 1, and 8 contain the following language:

said distribution device including a plurality of amplifiers, each said amplifier having an input and an output, each said amplifier being operable

to receive signals on said input for transmission on said output as amplified signals, each said amplifier being operable to block signals received on said output from being transmitted on said input, each said amplifier being operable to transmit a respective said amplified signal to a respective one of said receivers on a respective one of said ports, each of the amplified signals being dependent upon the output signal and upon a data signal transmitted on said transmission line from the receivers other than said respective receiver.

- The specification, as disclosed, is not enabled since it is not clear how and in what sequence the switches 133 (in Fig. 3) are to be operated.

Availability of upstream and downstream signals at various receivers, as claimed in claims 1 and 8, is not possible without the appropriate operation of 133 which has not been disclosed.

As such claims 1, 8, and corresponding dependent claims 2-7 and 9- 15 are rejected.

Claims 16 through 26, a video distribution apparatus, effectuating the video system of claims 1-15 are rejected by the same analysis.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in **Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966)**, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows: **(See MPEP Ch. 2141)**

- a. Determining the scope and contents of the prior art;
- b. Ascertaining the differences between the prior art and the claims in issue;
- c. Resolving the level of ordinary skill in the pertinent art; and
- d. Evaluating evidence of secondary considerations for indicating obviousness or nonobviousness.

4. Claim 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over R.S. Coutinho, USPN 5,760,822 (hereinafter “Coutinho”) in view of D.M. Hutchinson, USPN 6,738,098 (hereinafter “Hutchinson”) in further view of R.W. Citta, USPN 4,553,161 (hereinafter “Citta”).

Regarding claims 1, 8, 16, and 24 Coutinho discloses a system, apparatus, process, and method (Fig. 4) **comprising: a video source (A) operable to transmit an output signal on a transmission line (204), a plurality of video receivers (208), each said receiver being operable to display images based**

upon the active video signals (Col. 5, lines 2- 9) **and to transmit a respective data signal on a respective one of a plurality of ports** (Col. 5, lines 23- 36; ports are connection points shown on devices 206, and 208); **and a distribution device** (200) **electrically connected to said transmission line** (204) **and to each of said ports** (connection points to devices 206, and 208).

Coutinho fails to disclose **a plurality of amplifiers** (in the distribution device).

However, in an analogous art, Hutchinson substantially discloses a plurality of amplifiers (Fig. 1A). Therefore, it would have been obvious to one of ordinary skills in the art, at the time of invention, to modify the system of Coutinho with Hutchinson's invention in order to improve the quality and range of the signal.

The combination of Coutinho and Hutchinson disclose **each amplifier having an input** (from adder 218) **and an output** (to HP filter 220), **each said amplifier being operable to receive signals on said input for transmission on said output as amplified signals** (Col. 5. lines 40- 44), **each said amplifier being operable to block signals received on said output from being transmitted on said input** (Col. 5, lines 44- 50, and Col. 6, lines 34- 36), **each said amplifier being operable to transmit a respective said amplified signal to a respective one of said receivers on a respective one of said ports** (Col. 5, lines 44- 50), **each of the amplified signals being dependent upon the output**

signal (A) and upon a data signal transmitted on said transmission line from the receivers other than said respective receiver (Col. 6, lines 4- 32)

Coutinho fails to disclose **that the first portions of the output signal include active video signals and second portions of the output signal lack active video signals;**

Coutinho also fails to disclose **transmitting each of the data signals to said video source on said transmission line only during time periods when the second portions of the output signal are being transmitted on said transmission line.**

However, Citta, in an analogous art, substantially discloses **that first portions of the output signal include active video signals (non VBI portion) and second portions of the output signal lack active video signals** (Col. 3, lines 63-66); and **transmitting each of the data signals to said video source on said transmission line only during time periods when the second portions of the output signal are being transmitted on said transmission line** (Col. 4, lines 66-67; Col. 5, lines 1-3).

Therefore, it would have been obvious to one of ordinary skills, at the time of invention, to modify the system of Coutinho and Hutchinson with Citta's invention

to take advantage of VBI period for signaling amongst various devices to minimize impact of noise on the video signal.

Claims 2, 3, 10, and 11 are rejected as claim 1, since during the VBI the only signals present are the **upstream data signals**, and **the second portions of the output signal**.

Regarding claims 4, 9, 12, 18, 20, and 25 **wherein each said amplifier comprises a one-way active device that transmits signals only on its output**. (Coutinho: Fig. 4, 114; Col. 5, lines 41- 47).

Regarding claims 5, 13, 19, and 21 **wherein said distribution device includes bypass circuitry operable to transmit the data signals from each of the receivers to the transmission line and to the inputs of said amplifiers such that the data signals bypass said amplifiers**. (Coutinho: Fig. 4, path 206A to 222A to 244 to B to 224 to 232 to 226 A to 228 to 210 to 218 bypasses the amplifier 214; Col. 6, lines 4- 45)

Regarding claims 6, 14, and 17 **wherein said bypass circuitry is operable to transmit the data signals from each of the receivers to the transmission line and to the inputs of all of said amplifiers not corresponding to said receiver from which said data signal originates**. (Coutinho: Col. 6, lines 4- 67;

Col. 7, lines 1-38)

Regarding claims 7, and 15 **wherein said transmission line comprises a coaxial cable.** (Coutinho: Col. 4, line 64)

Regarding claim 22, **wherein the first periods in time correspond to the third periods in time, and the second periods in time correspond to the fourth periods in time.** As described since each signal is divided to two period, period one contains active video, period two (VBI) data, therefore in sequence odd numbered period (1, 3) contain video, and even numbered (2,4) contain data.

Claim 23 recites the components effectuating claim 16 and is rejected by the same analysis.

Claim 26 recites the components effectuating claim 24 and is rejected by the same analysis.

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES R. MARANDI whose telephone number is

(571)270-1843. The examiner can normally be reached on 8:00 AM- 5:00 PM M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James R. Marandi/
/Christopher Grant/
Supervisory Patent Examiner, Art Unit 2623